

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: David L. Churchill
Application No.: 10/677,578
Filing date: October 2, 2003
Title: Microminiature Gauging
Displacement Sensor

Docket No.: 115-007
Date: September 17, 2010
Group Art Unit: 2862
Examiner: Kenneth Whittington

Application for patent term adjustment under 37 CFR 1.705(b)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This application for additional patent term adjustment comes after payment of the issue fee. Applicant is also submitting a petition under 37 CFR 1.183, attached. Applicant is submitting a fee for this application under 37 CFR 1.18(e) and for the petition under 37 CFR 1.183.

Here are the facts under 37 CFR 1.702(a)(2):

Applicant believes that this application is entitled to an additional 3 years and 3 months and 23 days or 1208 days of patent term adjustment. Adding 1208 to the 13 days determined by the PTO equals a total of 1221 days.

On October 10, 2006 Applicant's attorney responded to the office action before the application went abandoned and petitioned to restart the statutory period for reply.

A copy of the letter from the PTO dated May 17, 2010 granted the petition is attached. The letter states, "The Request for Reconsideration is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment and accepting the reply filed October 10, 2006 as being timely filed."

On June 3, 2010 the PTO responded to this October 10, 2006 timely filed reply.

The time between these dates, less the four months for normal PTO response under 37 CFR 1.702(a)(2), is 3 years 3 months and 23 days or about 1208 days.

It appears that the PTO omitted consideration of this time in its determination of patent

term adjustment. It appears that the PTO considered that this time was the result of a petition to revive rather than a request to withdraw the holding of abandonment.

Applicant believes the 1208 days should be added to the 13 days indicated on the issue notification.

The present patent application is not subject to a terminal disclaimer.

The present patent application included a Request for Continued Examination filed on March 13, 2006. There were no other circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 CFR 1.704.

If there are any questions please call applicant's attorney at 802 864-1575.

Respectfully submitted,
For: David L. Churchill

/James Marc Leas/

By: James M. Leas
Registration Number 34,372
Tel: (802) 864-1575

James M. Leas
37 Butler Drive
S. Burlington, Vermont 0540